

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JEREMY D. MARTIN #L0344**

**PETITIONER**

**VERSUS**

**CIVIL ACTION NO. 1:08-cv-410-HSO-JMR**

**THE STATE OF MISSISSIPPI and  
DALE CASKEY, Warden**

**RESPONDENTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
GRANTING RESPONDENTS' MOTION TO DISMISS**

This cause comes before the Court on the Report and Recommendation [9-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on October 24, 2008. Chief Magistrate Judge Roper reviewed Respondents' Motion to Dismiss [8-1] and determined that it should be granted, and that Petitioner Jeremy D. Martin's petition in the above-captioned action should be dismissed, because Petitioner's *habeas* petition was untimely filed in violation of the one year statute of limitations. *See* 28 U.S.C. § 2244(d)(1). Petitioner did not file a Response to the Motion to Dismiss, nor an objection to the Report and Recommendation. After review of the record, the Court, being fully advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [9-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on October 24, 2008, should be, and the same hereby is, adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Respondents'

Motion to Dismiss [8-1] is **GRANTED**. A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 14<sup>th</sup> day of November, 2008.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE